

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

CR-18-10 -H-CCL

vs.

Plaintiff,

GABRIEL ELIJAH KANE
ARKINSON, a/k/a Daniel Elijahkane
Arkinson, JAMIE NICOLE MILSTEN,
and MELISSA DAWN SHURTLIFF

ORDER

Defendants.

FILED

SEP 28 2018

Clerk, U.S. District Court
District Of Montana
Helena

The Court met with government counsel, J. Thomas Bartleson, counsel for Defendant Arkinson, Michael Donahoe, and counsel for Defendant Milsten, Palmer Hoovestal, on the Friday afternoon immediately prior to the Monday, October 1, 2018, trial setting, for clarification of a number of issues.

The Court advised counsel of Defendant Shurtliff's appearance before the Court on Thursday, September 27, 2018 and her change of plea to guilty, thus eliminating her as a party for the forthcoming trial Monday morning at 9:30. a.m.

The Court heard from Michael Donahoe, counsel for Defendant Arkinson, who indicated that the clarification provided by Milsten's counsel invalidated Defendant Arkinson's pending motions for severance and continuance. Those motions were denied.

The Court also considered the motion filed by the United States to strike Defendant Milsen's recently filed proposed instruction on duress. The Court denied the motion. The Court will review this issue when settling instructions, after listening to the evidence.

The Court also inquired counsel as to any other suggestions for simplifying the jury trial of Defendants Arkinson and Milten. There were no suggestions and all parties appeared to the Court to be fully prepared for trial.

Accordingly,

IT IS HEREBY ORDERED that Defendant Arkinson's motion¹ for permission to file motions out of time is GRANTED and his motions for severance and continuance are DENIED. The government motion² to strike Milsten's duress instruction is DENIED without prejudice.

Dated this 28th day of September, 2018.



CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE

¹ All three motions were filed as Doc. No. 109.

² The government made this motion in Doc. No. 120.